

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 CHARLOTTE CHAPMAN ALLYN,

6 Plaintiff,

7 vs.

8 METROPOLITAN LIFE INSURANCE
9 COMPANY,

10 Defendants.

Case No: C 09-5671 SBA

ORDER

Docket 92, 94

11 On September 26, 2011, pro se Plaintiff Charolette Chapman Allyn ("Plaintiff")
12 filed a document entitled "Plaintiff's Voluntary Dismissal." Dkt. 92. On September 27,
13 2011, Plaintiff filed a document entitled "Amended Plaintiff's Voluntary Dismissal." Dkt.
14 94. Under Federal Rule of Civil Procedure 41, a Court order is required to dismiss the
15 plaintiff's action, unless the defendant has not answered or filed for summary judgment or
16 unless all parties file a stipulation seeking dismissal. Fed. R. Civ. P. 41(a)(1)&(2).
17 Defendant Metropolitan Life Insurance Company ("Defendant") has answered and filed for
18 summary judgment. Dkt. 62, 80. Plaintiff has not filed a stipulation of dismissal signed by
19 Defendant.
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21 As a result, on September 30, 2011, the Court issued an order requiring Defendant to
22 file a memorandum stating whether it opposes Plaintiff's request for voluntary dismissal
23 with prejudice. Dkt. 95. On October 6, 2011, Defendant filed a notice of non-opposition
24 regarding Plaintiff's request for voluntary dismissal with prejudice. Dkt. 98. In the notice,
25 Defendant states that it disputes Plaintiff's characterizations of the events contained in her
26 voluntary dismissal and amended voluntary dismissal, but does not oppose dismissal with
27 prejudice. Accordingly,
28

1 IT IS HEREBY ORDERED THAT this action is dismissed with prejudice. The
2 Clerk shall close the file and terminate all pending matters and deadlines.

3 IT IS SO ORDERED.
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5 Dated: October 7, 2011


6 SAUNDRA BROWN ARMSTRONG
7 United States District Judge
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1 UNITED STATES DISTRICT COURT
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3 NORTHERN DISTRICT OF CALIFORNIA

4 CHARLOTTE CHAPMAN ALLYN,
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6 Plaintiff,

7 v.

8 METROPOLITAN LIFE INSURANCE et al,
9 Defendant.
10 _____/

Case Number: CV09-05671 SBA

CERTIFICATE OF SERVICE

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on October 12, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Charlotte Chapman Allyn
19 P.O. Box 2026
20 Napa, CA 94558

21 Dated: October 12, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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